

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING PRIMARY HEALTH CARE FOR DESIGNATED
5 MEDICALLY UNDERSERVED AREAS; PROVIDING FOR A STUDENT LOAN REPAYMENT ASSISTANCE
6 PROGRAM FOR PRIMARY HEALTH CARE PRACTITIONERS PRACTICING IN DESIGNATED MEDICALLY
7 UNDERSERVED AREAS; AND PROVIDING AN EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], unless the context requires
12 otherwise, the following definitions apply:

13 (1) "Department" means the department of public health and human services provided for in 2-15-2201.

14 (2) "Designated medically underserved area" means any of the following:

15 (a) an area designated by the department as a primary health care practitioner shortage area using
16 criteria that takes into account the special barriers to the provision of health care services in a rural area; or

17 (b) an area designated by the United States department of health and human services under 42 U.S.C.
18 254e as an urban or rural area that has a health personnel shortage and that is not reasonably accessible to an
19 adequately served area.

20 (3) (a) "Primary health care practitioner" means a health care professional providing medical services
21 in family practice, osteopathic general practice, general pediatrics, obstetrics, general internal medicine, or
22 general dentistry.

23 (b) The term includes a physician assistant, a certified advanced practice registered nurse as described
24 in 37-8-102, and a certified nurse midwife.

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26 NEW SECTION. **Section 2. Designated medically underserved areas.** (1) The department shall
27 establish the designated medically underserved area program to increase the availability of primary health care
28 practitioners in designated medically underserved areas of the state.

29 (2) The department shall implement a comprehensive program designed to increase the number of
30 primary health care practitioners in designated medically underserved areas of the state. The program must

1 include but is not limited to the following activities:

2 (a) reviewing and updating on a regular basis the designated medically underserved areas;

3 (b) promotion of the training of primary health care practitioners to serve in designated medically
4 underserved areas;

5 (c) promoting the capacity of local communities to support primary health care practitioners;

6 (d) promoting the recruitment and retention of primary health care practitioners in designated medically
7 underserved areas;

8 (e) maximizing federal, state, local, and private funding to achieve the purposes of [sections 1 through
9 3];

10 (f) providing a report to the legislature, as provided in 5-11-210, on the activities of the program; and

11 (g) creating an advisory committee to assist in carrying out the provisions of [sections 1 through 3].
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13 **NEW SECTION. Section 3. Loan forgiveness for primary health care practitioners.** (1) The
14 department shall, as part of the medically underserved area program, establish a loan forgiveness program for
15 primary health care practitioners serving in designated medically underserved areas. The department shall
16 coordinate the administration of the program with the board of regents for the purpose of providing repayment
17 of student loans for eligible primary health care practitioners.

18 (2) The department, in coordination with the board of regents and subject to eligible funding, may provide
19 assistance for the repayment of a student loan for education at an institution of higher learning received by a
20 primary health care practitioner. Repayment assistance may not be made for a loan that is in default at the time
21 of the application or for a loan being repaid through any other loan repayment assistance program. Repayment
22 must be made by the agency to the lending institution on behalf of the loan recipient.

23 (3) (a) The applicant for loan repayment assistance must be a licensed primary health care practitioner
24 in this state.

25 (b) An applicant who is qualified under subsection (3)(a) shall agree to serve in a designated medically
26 underserved area of this state as a primary health care practitioner for not less than 4 years.

27 (4) A physician or dentist who is eligible under subsection (3) is eligible to receive up to \$64,000 in loan
28 repayment assistance. A certified advanced practice registered nurse, physician assistant, or nurse midwife who
29 is eligible under subsection (3) is eligible to receive up to \$40,000 in loan repayment assistance. The loan
30 repayment assistance is based on a percentage of the outstanding loan balance up to the maximum amount

1 allowed according to the following schedule:

2 (a) first year, 15%;

3 (b) second year, 20%;

4 (c) third year, 30%; and

5 (d) fourth year, 35%.

6 (5) A recipient of loan repayment assistance shall enter into a contract with the department, which must
7 be considered a contract with the state. Priority must be given to those applicants who agree to engage in a
8 primary health care practice for at least 4 years in a designated medically underserved area. Preference must
9 be given to individuals who are residents of this state, minority applicants, and graduates of Montana institutions.
10 The contract must include but is not limited to the following terms and conditions.

11 (a) An unlicensed applicant shall apply for a license to practice in this state at the earliest practicable
12 opportunity. Within 6 months after application and upon the completion of all requirements for the primary care
13 specialty, the applicant shall engage in the practice of primary health care medicine in a designated medically
14 underserved area. The department shall provide applicants with a list of available designated medically
15 underserved areas and shall, to the extent possible, approve applicant selections in the order they are received.

16 (b) The applicant shall agree to serve at least 4 full years in a designated medically underserved area.

17 (c) The primary health care practitioner shall agree to treat patients in the area eligible for medical
18 assistance and medicare.

19 (d) The primary health care practitioner shall agree to practice on a full-time basis in the designated
20 medically underserved area.

21 (e) The primary health care practitioner shall permit the department to monitor the practice to determine
22 compliance with the terms of the contract.

23 (6) The agency shall certify compliance with the terms of the contract for purposes of receipt by the
24 primary health care practitioner of loan repayment assistance for years subsequent to the initial year of the
25 assistance.

26 (7) The contract must be renewable on an annual basis upon certification by the department that the
27 primary health care practitioner has complied with the terms of the contract.

28 (8) Upon the primary health care practitioner's death or total or permanent disability, the department shall
29 nullify the service obligations of the recipient.

30 (9) If the primary health care practitioner is convicted of or pleads guilty or nolo contendere to a felony

1 or misdemeanor or if the appropriate licensing board has determined that the recipient has committed an act of
2 gross negligence in the performance of the practice or has suspended or revoked the license to practice, the
3 department may terminate the primary health care practitioner's service in the program and demand repayment
4 of the loan repayment assistance rendered to date.

5 (10) A primary health care practitioner who fails to begin or complete the obligations contracted for shall
6 pay to the department 1 1/2 times the amount of loan repayment assistance received. Falsification or
7 misrepresentation on an application or in verification of service must be construed to be a default. A determination
8 as to the time of breach of contract must be made by the department. Both the primary health care practitioner
9 and the department shall make every effort to resolve conflicts in order to prevent a breach of contract.

10 (11) The department may seek garnishment of wages for the collection of damages provided for in
11 subsection (10).

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13 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified
14 as an integral part of Title 50, and the provisions of Title 50 apply to [sections 1 through 3].

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16 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2007.

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